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Rs 1001-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4020 OF 2006

PETITIONER

P.I No. 4690/06
Presented by Shri Ashok Dubey
dated 29/7/06

Awadh Ram Tandan, S/o Shri V. D. Tandan
Age about 37 years, R/o Inderasen Nagar,
27 Kholi, Mangala, Bilaspur (C.G.)

VERSUS

RESPONDENTS

1] State of Chhattisgarh, Through Secreatary
Revenue Department cum Commissioner
Land Record, Raipur (C.G.)

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29/7/06
CLERK to A. G. BILASPUR

2] Collector, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

17

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.No..1080 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
10-8-2006	Shri Ashok Dubey, counsel for the petitioner. Shri K Satish Gupta, Deputy G.A. for the State/ respondents, on advance copy. Heard. The case of the petitioner is that when he was working as Assistant Superintendent Land Record under the Collector, Bilaspur, he was placed under suspension vide order Annexure P/2 dated 28th March 2006 and so far he has not been served with article of charges along with documents. As per proviso to sub-rule (5)(a) of rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (for short 'the Rules, 1966) if any employee is not served with the charge sheet and documents within 45 days from the date of suspension and the Government orders are also not obtained for extension of the suspension period, then the employee is entitled for reinstatement. Second proviso further envisages that the suspension shall stand revoked on expiry of 90 days from the date of order of suspension. In this case, more than 90 days have already elapsed, on 26-5-2006 the petitioner made a representation to the Collector that even after the expiry of mandatory period of 45 days he has not been served with charge sheet and documents, therefore, he be reinstated.	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Therefore, in view of the non-compliance of the proviso (1) and (2) of sub-rule (5)(a) of Rule9, the petitioner is entitled for reinstatement.

In the circumstances, respondents are directed to pass orders in accordance with proviso to sub-rule (5)(a). However, the respondents shall be at liberty to invoke sub-rule(5)(b) of Rule 9 of the Rules, 1966 after serving charge sheet and other documents, if it is considered expedient so to do.

The writ petition is disposed of accordingly.

C.C. as per Rules.

Sd/-
L.C. Bhadoo
Judge

Barwal

P.T.O.

18-8-06